IN RE: PETITION FOR VARIANCE E/S St. Georges Road, 290' N of the c/I of Wye Road (337 St. Georges Road) 15th Election District 5th Councilmanic District

John H. Floyd, et ux

Petitioners

* BEFORE THE * ZONING COMMISSIONER

* OF BALTIMORE COUNTY * Case No. 94-53-A

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, John Henry Floyd and his wife, Barbara Ann Floyd. The Petitioners request relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (shed) to remain in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were John and Barbara Floyd, property owners. There were no Protestants present at the hearing.

Testimony indicated that the subject property, known as 337 St. Georges Road, consists of .305 acres, more or less, zoned D.R. 5.5 and is improved with a single family dwelling, swimming pool, and shed. Said property is located within the Chesapeake Bay Critical Areas fronting on Norman Creek. Testimony indicated that the instant Petition was filed in order to legalize the location of the existing shed, which is situated in the front yard of the property facing St. Georges Road. While the property is waterfront, the front of the dwelling is oriented to face St. Georges Road. Therefore, the shed is technically located in the front yard. Testimony indicated that the shed could not be placed in the rear yard (waterfront side) of the property due to the topography of the land which slopes down to the water. Further testimony indicated that to place the

Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

1. Shed must be 3 feet from property line according to building code of Balto. Co.

400.1; BCZR, to permit an accessory structure (shed) in the front yard

2. From side of house to property line is 10 feet wide on both sides.

This Petition show be filed with the Office of Zoning Administration & Development Management.

3. No where to put shed in back yard due to ground level.

Property is to be posted and advertised as prescribed by Zoning Regulations.

4. Would be blocking neighbor's view of water way.

hereto and made a part hereof, hereby petition for a Variance from Section(s)

in lieu of the requires rear yard.

for the property located at 337 St. Georges Rd., Balto. Md. 21221

shed in the rear yard would block the adjoining neighbors' view of the

As noted above, this property is located within the Chesapeake Bay Critical Areas on Norman Creek and as such, is subject to compliance with Critical Areas legislation. Pursuant to the written comments received from the Department of Environmental Protection and Resource Management (DEPRM), dated September 1, 1993, the subject shed is located outside the required 100-foot tidal buffer and is therefore in compliance with the applicable regulation.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result

ZONING DESCRIPITION

PROPERTY PSELONGING TO!

JOHN HENRY & BARBARA ANN FLOYD

ZONING DESCRIPTION FOR 337 ST. GEORGES RD 21221

Election District 15 Councilmanic District 5

Beginning at a point on the $\frac{EAST}{\text{(north, south, east or west)}}$

51. GEORGES RD which is 50 FEET (number of feet of right-of way width)

centerline of the nearest improved intersecting street WYE ROAD (name of street)

LE BOROUGH as recorded in Baltimore County Plat (name of subdivision)

which is 30 FEET wide. *Being hot # 173 , (number of feet of right-of-way width)

wide at a distance of $\frac{290 \text{ FEET}}{\text{(number of feet)}}$ (north, south, east or west)

Block , Section # D in the subdivision of

Book # 4 , Folio # 191 , containing

if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12 day of September, 1993 that the Petition for Variance requesting relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (shed) to remain in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

> > Zoning Commissioner for Baltimore County

District 1524 Posted for: Variance	Date of Posting 7/19/93
Posted for: Variance	
Petitioner: John K + Borbon	Floyd. Rely Fly 290' N/Wysted
Location of property:	ex Aday Flor 190' N/Wys Red
Location of Signa: Taciny Yordin	by on Proporty of Altoin
Remarks:	
Posted by MATherty	Date of return: \$\\\20093
Number of Signe:	

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on (1114 19 , 19 93

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Neptember 15, 1993

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Mr. & Mrs. John H. Floyd 337 St. Georges Road

RE: PETITION FOR VARIANCE E/S St. Georges Road, 290' N of the c/l of Wye Road (337 St. Georges Road) 15th Election District - 5th Councilmanic District John Henry Floyd, et ux - Petitioners Case No. 94-53-A

Dear Mr. & Mrs. Floyd:

Baltimore, Maryland 21221

Enclosed please find a copy of the decision readered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> Yery truly yours, LAWRENCE E. SCHMIDT Woning Commissioner for Baltimore County

LES:bjs

co: Chesapeake Bay Critical Areas Commission 45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel

MIDDLE BOROUGH

(Type or Print Name)

337 St. Georges Rd. (410) 682-3872 Baltimore, Maryland 21221 Name, Address and phone number of representative to be contacted. John Henry & Barbara Ann Floyd 337 St. Georges Rd. (410) 682-3872

i/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the

which is presently zoned D.R. 5.5

#53

94-53-A

Zoning Administration & Development Management Date 8/4/93 Takon John Harry Fluyd . - 337 St. Gargos Rd # 080 - Sign - - - 835.0c

nacional Properti de la compania de



111 West Chesapeake Avenue Towson, MD 21204

MUUTAT 11, 1993

(410) 887-3353

NOTICE OF HEARING

The Soming Commissioner of Bultimore County, by authority of the Soming Sct and Regulations of Bultimore County, will hold a public bearing on the property identified herein in Boom 105 of the County Office Building, 111 W. Chesepeake Evenue in Touson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Evenue, Touson, Maryland 21204 as follows:

CASE NUMBER: 94-53-A (Item 53) 337 St. Georges Boad E/S St. Georges Road, 290' N of c/l Wye Road 15th Election District - 5th Councilmanic Petitioner(s): John Henry Floyd and Barbara Ann Floyd HEARING: PRIDAY, SEPTEMBER 10, 1993 at 9:30 a.m. in Rm. 106, County Office Building.

Variance to permit an accessory structure (shed) in the front yard in lieu of the required rear yard.

cc: John and Barbara Floyd

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

TO: POTUMENT PUBLISHEDS COMPANY August 19, 1993 Inses - Jeffersonian

Please found billing to:

John and Barbara Floyd 337 St. Georges Book Baltimore, Heryland 21221

NOTICE OF HEARING

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Room 118, Old Courthouse, 400 Washington Svenue, Towson, Maryland 21204 as follows:

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MREICE E. SCHILLT

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: August 12, 1993

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 40, 41, 45, 53, 54, 55, 56, 57, 59, 61 and 63.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

August 27, 1993

Mr. Arnold Jablon, Director Zoning Administration and Development Management

Development Coordinator, DEPRM

SUBJECT: Zoning Item #53 - Floyd Property 337 St. Georges Road Zoning Advisory Committee Meeting of August 16, 1993

The Department of Environmental Protection and Resource Management requests

an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.

FLOYD/DEPRM/TXTSBP

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Mr. and Mrs. John H. Floyd 337 St. Georges Road Baltimore, Maryland 21221

> RE: Case No. 94-53-A, Item No. 53 Petitioner: John Henry Floyd, et ux Petition for Variance

Dear Mr. and Mrs. Floyd:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 4, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation State Highway Administration

8 13.93

Re: Baltimore County
Item No.: \$\dagger{1} 53 (\forall RF)\$

Dear Ms. Kehring:

Ms. Helene Kehring

Zoning Administration and

Development Management County Office Building

111 W. Chesapeake Avenue

Towarn Maryland 21204

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

John Contestabile, Chief Engineering Access Permits

My telephone number is Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717





INTER-OFFICE CORRESPONDENCE

DATE: August 12, 1993

FROM: Jerry L. Pfeifer, Captain Investigative Services

TO: Zoning Advisory Committee

SUBJECT: August 23, 1993 - Meeting

Proposed building shall comply with the 1991 Life Safety Code.

Proposed buildings shall comply with the 1991 Life Safety Code.

No comments.

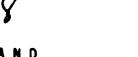
Building shall comply with the 1991 Life Bafety Code.

Proposed addition shall comply with the 1991 Life Bafety Code.

JLP/del

cci file





7430-13

INTER-OFFICE CORRESPONDENCE

Mr. Arnold E. Jablon, Director

DATE: September 1, 1993 Office of Zoning Administration and Development Management

J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 53 John H. and Barbara A. Floyd Property Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 337 St. Georges Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME John H. and Barbara A. Floyd

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.1 of the Baltimore County Zoning Regulations to permit an accessory structure (shed) in the front yard in lieu of the required rear yard.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

2. Conserve fish, wildlife and plant habitat; and

Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts COMMAR 14.15.10.01.0>.





REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Finding: This property is adjacent to the tidal waters of Norman Creek. The existing house is approximately 70' from mean high water allowing a buffer approximately 70' to be established. No clearing, grading, or construction shall be permitted in the buffer.

The subject shed is proposed to be located outside of the 100 foot tidal buffer and is in compliance with the above regulation. However, a 12 foot diameter swimming pool has been illegally placed in the buffer and shall be removed.

Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal welland for this project, and this regulation has been met.

Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" <Baltimore County Code, Section 26-543(e)(1)>.

Findings: The current impervious surface equals 3,213 square feet or 24% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces. The proposed shed addition will increase the impervious surface to 3,309 square feet or 25% of the lot, and is in compliance with the above regulation.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15% <COMAR 14.15.02.04 C.(5)(e)>.

Finding: The property currently has 15% tree cover and it must be maintained to be in compliance with the above regulation.

Mr. Arnold E. Jablon September 1, 1993

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

> J. James Dieter, Director
> Department of Environmental Protection and Resource Management

JJD: KDK: tmm

cc: John and Barbara Floyd 337 St. Georges Road

Baltimore, Maryland 21221

FLOYD/DEPRM/WOCBCA

captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or People's Counsel for Baltimore County Carole A. Remilio Carole S. Demilio Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-2188 I HEREBY CERTIFY that on this 20th day of August , 1993, a copy of the foregoing Entry of Appearance was mailed to John Henry Floyd and Barbara Ann Floyd, 337 Sr. Georges Rd., Baltimore, MD 21221, Petitioners. belitione. PLEASE PRINT CLEARLY CATIBEN SIGN-IN SHEET

John + Burbara Floyd

RE: PETITION FOR VARIANCE

MOMD, Petitioners

15th Election District

E/S St. Georges Rd., 290' N of

JOHN HENRY FLOYD & BARBARA ANN

C/L Wye Rd. (337 St. Georges Rd.)

5th Councilmanic District : Case No. 94-53-A

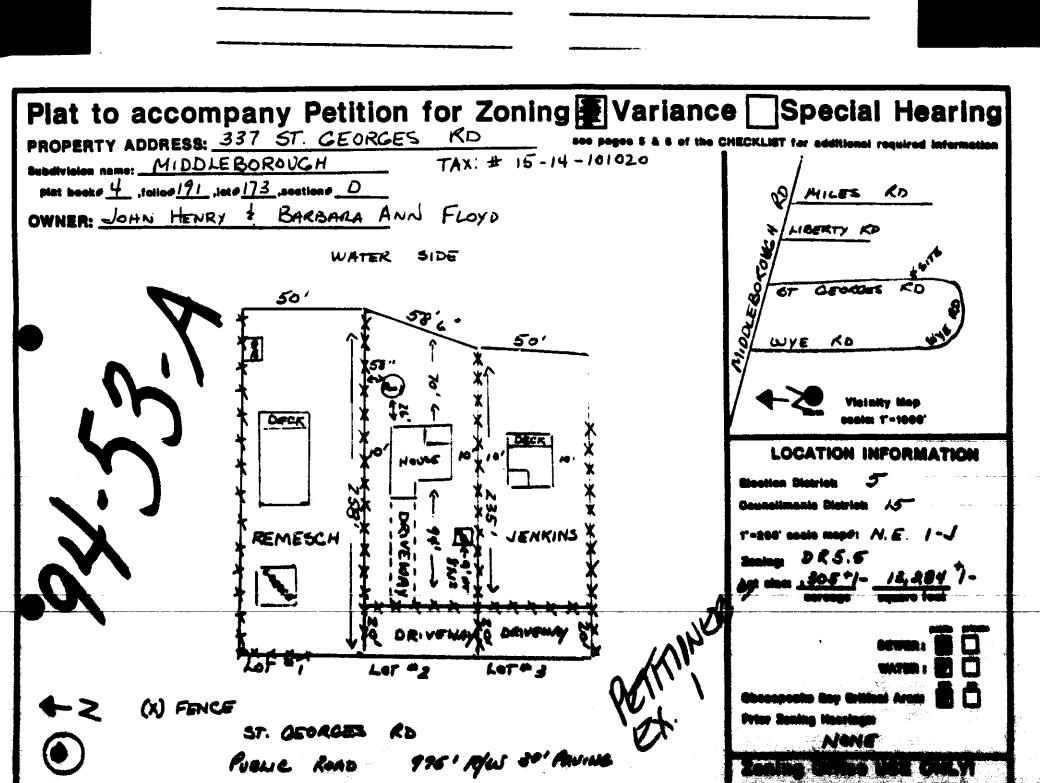
1:::::

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-

We the ensign have no objection if Mr. & Mrs. Floyd has a 8X10 wooden shed in their front yard (road side), the shed is not blocking anyone view, nor is it an eye sore. Both house and shed are well kept and neat. Due to the ground level of their backyard (water side) Hr. & Hrs. Floyd had no other choice but to put the shed in front yard.

NAME	ADDRESS
1.5t D&	328 St. Georgell
2. Paule Weench	341 St. Diryapa
3. Fed Wernel	341 St. George tol
1. Pat Nodin	322 St. Georges Ro.
5. Patrick a Legher	322 St. Ocorges Rd
6. Chris + Bob Goodrich	323 St Georges KR
7. Mabeth Schultz	319 St. Lleonges R.V.
8. Katu Mae Valentine	319 St. Xkonsus Dd.
9. ashed novak	325 ST GEORGES Rd.
10. Solore C. Morak	325 St Senger Rd.
11. Jane Schielts	319 St Hences RL
12. But Bell	345 St. Georges Bd
13. ROUND XILONU	343 St. Genrys Rd
14. Jan R. J.	339 57. Frages 21.
15. Daving all Bellman	344 St George Rd.
18	
19.	
	453
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Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

1196-13 GS

: BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

For newspaper advertising:

Item No.: #53

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER

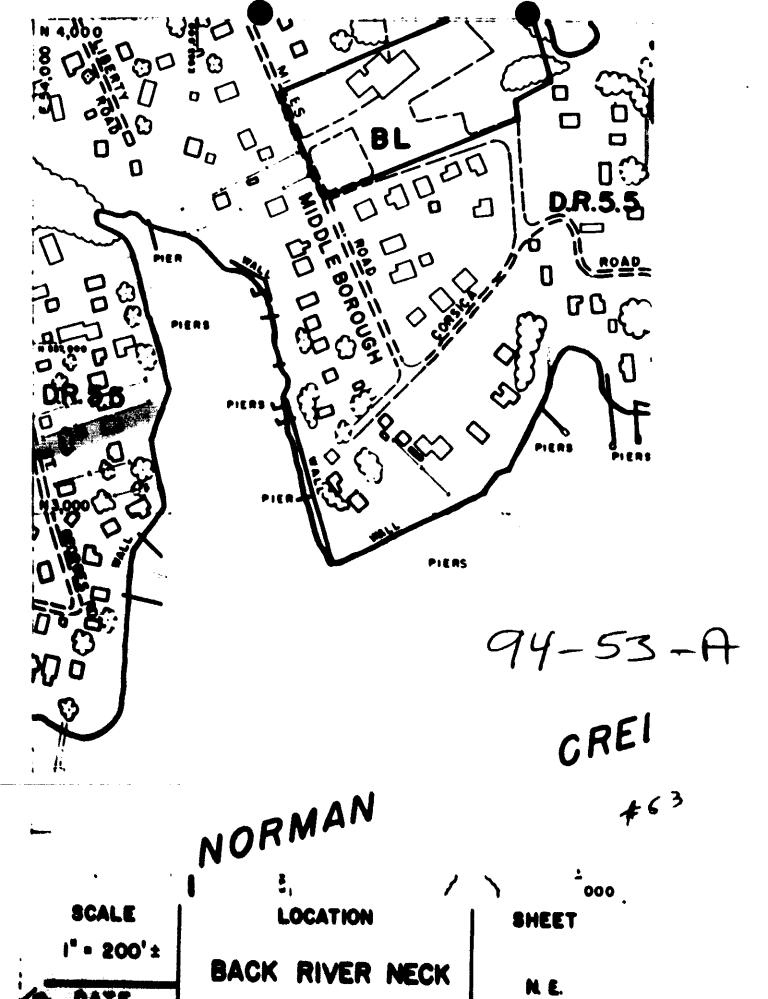
Petitioner: JOHN & BARBAGI FLOVD Location: 337 St. GEORGES RD

PLEASE FORWARD ADVERTISING BILL TO: NAME: SOHN & BARBARA FLOYD

PHONE NUMBER: 682-3872

ADDRESS: 337 St. GEORGES BALTO. NO 21221

(Revised 04/09/93)



8/4/93

To. H.O. CLarry) The violation ease is the swimming pool but the ease

w/ Zuning Rogs. The petitioner applied for variance for existing shed in the front yord . They did not need a parmit sinca it's less than 100 ag. f. but still need to comply w/ soning rangulation.

Any guestion pls call me.

CAPE MAY

N E. 1-J

